

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KATHLEEN MILLER,

Plaintiff,

V.

VERIZON COMMUNICATIONS INC.,

Defendant.

Civil Action No. 05-30117-KPN

## DEFENDANT'S MOTION TO STRIKE

Defendant Verizon Communications Inc., by its undersigned attorneys, moves to strike:

(a) paragraphs 12 (portions), 14, 19, and 21 of the July 14, 2006, Affidavit of Kathleen Miller, on the grounds that these paragraphs are inadmissible or impermissibly attempt to contradict Plaintiff's deposition testimony;

(b) paragraphs 6 (portions), 9 through 13, 53, 78 (portions), 84 (portions), 95 (portions), 107, 143, 208, 209, 249, 250, 258 (portions), and 282 of Plaintiff's Response to Defendant's Statement of Undisputed Facts for the same reasons, and also because many of those paragraphs misrepresent (and in some cases flatly contradict) the referenced deposition testimony;<sup>1</sup> and

(c) Plaintiff's Exhibits 6 (medical records only) and 8 (letters only), as these documents were never produced to Defendant.

In further support of its motion, Defendant incorporates by reference its Memorandum in Support of Defendant's Motion to Strike, submitted herewith.

<sup>1</sup> Plaintiff's Response is riddled with these types of inaccuracies. In the interest of efficiency, Verizon is moving to strike only the most egregious examples.

WHEREFORE, Defendant respectfully requests that the Court strike the paragraphs noted above.

VERIZON COMMUNICATIONS INC.,  
By its attorneys,

/s/ Timothy P. Van Dyck

Timothy P. Van Dyck (BBO #548347)  
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**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that I have attempted to confer with counsel for the Plaintiff in a good faith effort to resolve or narrow the issues presented by this motion, but have been unable to reach him.

/s/ Timothy P. Van Dyck

Timothy P. Van Dyck (BBO #548347)

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on July 20, 2006, and that there are no non-registered participants.

/s/ Timothy P. Van Dyck

Timothy P. Van Dyck (BBO #548347)